

# **Exhibit G**

1 UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
2  
IN RE: PROTON-PUMP INHIBITOR : MDL No. 2789  
3 PRODUCTS LIABILITY : Honorable  
LITIGATION (NO. II) : Claire C. Cecchi  
4 \_\_\_\_\_:\_\_\_\_\_  
THIS DOCUMENT RELATES TO: :  
5 Civil Action No.: 2:17-cv-06124 :  
FREDDY BALES, :  
6 :  
Plaintiff, :  
7 vs. :  
: :  
8 ASTRAZENECA PHARMACEUTICALS LP, :  
et al., :  
9 :  
Defendants. :  
10 \_\_\_\_\_:

11 (Complete case caption on following pages.)  
12

13 REMOTE VIDEOCONFERENCE DEPOSITION OF  
14 JOHN C. SEELY, DVM  
15 10:02 a.m. to 3:54 p.m.  
16 Wednesday, September 8, 2021  
17

18 Taken by the Plaintiffs via Zoom  
19 The witness was located in Durham, North Carolina  
20

21 - - -  
22 Reported by Sophie Brock, RPR, RMR, RDR, CRR  
23 GOLKOW LITIGATION SERVICES  
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1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEW JERSEY  
3 IN RE: PROTON-PUMP INHIBITOR : MDL No. 2789  
4 PRODUCTS LIABILITY : Honorable  
5 LITIGATION (NO. II) : Claire C. Cecchi  
6 :  
7 THIS DOCUMENT RELATES TO: :  
8 Civil Action No.: 2:17-cv-06124 :  
9 FREDDY BALES, :  
10 :  
11 Plaintiff, :  
12 vs. :  
13 :  
14 ASTRAZENECA PHARMACEUTICALS LP, :  
15 et al., :  
16 :  
17 Defendants. :  
18 :  
19 Civil Action No.: 2:17-cv-02475 :  
20 DAVID FOSTER, :  
21 :  
22 Plaintiff, :  
23 vs. :  
24 :  
25 ASTRAZENECA PHARMACEUTICALS LP, :  
26 et al., :  
27 :  
28 Defendants. :  
29 :  
30 Civil Action No.: 2:18-cv-03159 :  
31 STEVE KERSCH, :  
32 :  
33 Plaintiff, :  
34 vs. :  
35 :  
36 ASTRAZENECA PHARMACEUTICALS LP, :  
37 et al., :  
38 :  
39 Defendants. :  
40 :  
41 :  
42 :  
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|    |                                 |               |   |
|----|---------------------------------|---------------|---|
| 1  |                                 |               |   |
|    | Civil Action No.:               | 2:17-cv-00212 | : |
| 2  | KIMBERLY LEE,                   |               | : |
|    |                                 |               | : |
| 3  | Plaintiff,                      |               | : |
|    | vs.                             |               | : |
| 4  |                                 |               | : |
|    | ASTRAZENECA PHARMACEUTICALS LP, |               | : |
| 5  | et al.,                         |               | : |
|    |                                 |               | : |
| 6  | Defendants.                     |               | : |
|    |                                 |               | : |
| 7  | Civil Action No.:               | 2:17-cv-13727 | : |
|    | DIANE NELSON,                   |               | : |
| 8  |                                 |               | : |
|    | Plaintiff,                      |               | : |
| 9  | vs.                             |               | : |
|    |                                 |               | : |
| 10 | ASTRAZENECA PHARMACEUTICALS LP, |               | : |
|    | et al.,                         |               | : |
| 11 |                                 |               | : |
|    | Defendants.                     |               | : |
| 12 |                                 |               | : |
|    | Civil Action No.:               | 2:19-cv-00850 | : |
| 13 | JAMES RIEDER,                   |               | : |
|    |                                 |               | : |
| 14 | Plaintiff,                      |               | : |
|    | vs.                             |               | : |
| 15 |                                 |               | : |
|    | ASTRAZENECA PHARMACEUTICALS LP, |               | : |
| 16 | et al.,                         |               | : |
|    |                                 |               | : |
| 17 | Defendants.                     |               | : |
|    |                                 |               | : |
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| 23 |                                 |               |   |
| 24 |                                 |               |   |

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1 ALSO PRESENT REMOTELY:

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3

4 VIDEOGRAPHER:

5 Kristalyn Duran

6

7 TRIAL TECHNICIAN:

8 Dan Lawlor

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|    |                       |  |        |
|----|-----------------------|--|--------|
| 1  | INDEX OF EXAMINATIONS |  |        |
| 2  |                       |  | PAGE   |
| 3  | BY MS. FINKEN         | . . . . .                                  | 5      |
| 4  |                       |  |        |
| 5  | INDEX OF EXHIBITS     |  |        |
| 6  | NUMBER                | DESCRIPTION                                | MARKED |
| 7  | Exhibit 1             | Plaintiff's Notice of Oral . . . . .       | .29    |
| 8  |                       | Videotaped Deposition and                  |        |
| 9  |                       | Associated Subpoena Duces Tecum            |        |
|    |                       | of John Seely                              |        |
| 10 | Exhibit 2             | Handwritten notes and marked-up . . . . .  | .33    |
|    |                       | pages titled "497-018 Notes"               |        |
| 11 | Exhibit 3             | Statement of Compensation for . . . . .    | .40    |
| 12 |                       | Dr. John Seely                             |        |
| 13 | Exhibit 4             | Materials Considered List . . . . .        | .46    |
| 14 | Exhibit 5             | Expert opinion reviews and . . . . .       | .48    |
|    |                       | reports                                    |        |
| 15 | Exhibit 6             | National Toxicology Program . . . . .      | .90    |
| 16 |                       | Nonneoplastic Lesion Atlas,                |        |
|    |                       | "Kidney, Renal Tubule - Dilation"          |        |
| 17 | Exhibit 7             | Article from Toxicologic . . . . .         | 132    |
| 18 |                       | Pathology titled "Regulatory               |        |
| 19 |                       | Forum Opinion Piece*: Dispelling           |        |
| 20 |                       | Confusing Pathology Terminology:           |        |
|    |                       | Recognition and Interpretation of          |        |
|    |                       | Selected Rodent Renal Tubule               |        |
|    |                       | Lesions," by John Curtis Seely             |        |
|    |                       | and Kendall S. Frazier                     |        |
| 21 | Exhibit 8             | Image for Rat 13485, described . . . . .   | 164    |
| 22 |                       | as "autolysis tubules, not real            |        |
|    |                       | necrosis."                                 |        |
| 23 | Exhibit 9             | EPL 497-019, "Unaudited Metadata . . . . . | 171    |
| 24 |                       | - 126-049"                                 |        |

1 A. Yes.

2 Q. Did you provide diagnostic criteria for  
3 vacuolation in any of the other appendices?

4 A. Yes, I did.

5 Q. Okay. Doctor, if we can go to Study  
6 A-29-1977, which is, I believe, page 764 of the PDF.  
7 This is a rat study.

8 A. Okay. "Two-Year Oral Oncogenicity Study."  
9 A-29-1977. Got it.

10 Q. Okay. And looking at page 4 of your report,  
11 it indicates that there were multiple dose groups in  
12 this study. There was a 5 mg/kg/day dose group,  
13 25 mg/kg/day dose group, 75, and 150. Do you see  
14 that?

15 A. And two vehicle control groups.

16 Q. Correct. And is it fair to say that you only  
17 reviewed the 150 milligram dose group in this study?

18 A. Let me look at the summary tables.

19 I reviewed both control groups and group 5.

20 Q. Okay. Looking at the individual animal data  
21 on page -- hold on one second -- on page 16 of  
22 Appendix B for Study A-29-1977 --

23 A. Can you bring that up on your screen?

24 Q. Sure.



1 A. Because I don't have that data in front of  
2 me.

3 Q. Okay. It's animal 13485.

4 Do you see it there, Doctor?

5 A. Yes.

6 Q. And you indicate here that this was an  
7 unscheduled death, treatment day 274. And it says  
8 "The following tissues are unremarkable: kidneys." Do  
9 you see that?

10 A. Yes.

11 Q. Okay. Now, looking at the images that you  
12 provided to us through counsel yesterday --

13 MS. FINKEN: And, Daniel, I believe  
14 that that was just sent to you, the image for 13485.  
15 If you can pull that up.

16 THE WITNESS: I see.

17 BY MS. FINKEN:

18 Q. Okay. You see that?

19 And this particular image is titled  
20 "Figure 11 - Rat 13485, A-29-1977," and it says  
21 "autolytic tubules, not real necrosis."

22 Do you see that?

23 A. Yes.

24 Q. And when you're referring to autolysis, or

1 autolytic tubules, what are you referring to?

2 A. So you -- Counsel, you see the circular  
3 structures; is that correct?

4 There's, like, one, two, three, four, five,  
5 six, seven of them. Spherical.

6 Q. Yes.

7 A. Those are glomeruli.

8 The autolytic tubules are surrounding the  
9 glomeruli. They're very hazy. The cellular contours  
10 and cell membranes are very indistinct. And all those  
11 changes are indicative of degeneration -- postmortem  
12 degeneration.

13 Q. Okay. So in your report, when you have the  
14 individual animal findings for this particular rat,  
15 13485, and you indicate that the tissues are  
16 unremarkable, was that an error in your report?

17 A. No. They're unremarkable.

18 Q. Okay --

19 A. In my studies, I don't code out autolysis --

20 Q. Okay. So if you --

21 A. -- because -- Counsel, because it's a  
22 non-lesion.

23 MS. PRZYBYSZ: Go ahead.

24 THE WITNESS: Go ahead.

1 BY MS. FINKEN:

2 Q. So for purposes of this image that you  
3 created in July that you labeled "autolysis tubules,  
4 not real necrosis," you believe that that's consistent  
5 with the tissues being unremarkable that you recorded  
6 in your individual data listing for Rat 13485 in your  
7 report?

8 A. Yes.

9 Q. Why don't you code for autolysis when you are  
10 reviewing images in your report?

11 A. Because I consider autolysis not a lesion.

12 MS. FINKEN: You can take that down.  
13 Did we mark that as an exhibit? I'm sorry. Let's  
14 mark that image as Exhibit 8 to Dr. Seely's  
15 deposition.

16 (Exhibit No. 8 was marked for identification.)

17 BY MS. FINKEN:

18 Q. In relation to the images that your counsel  
19 provided to us yesterday, it appears that there were  
20 21 images that had been provided from the studies --  
21 or the study slides that you had reviewed for purposes  
22 of your report; and those images had been taken in  
23 July of this year after your report had been produced.

24 Out of those 21 images, it looks like eight

1 of the images were from control animals; is that  
2 correct?

3 MS. PRZYBYSZ: Object to the form.

4 THE WITNESS: That's correct. At least  
5 eight. I think they were all from control animals.

6 BY MS. FINKEN:

7 Q. Okay. And did you -- you had indicated that  
8 the purposes of taking those images in July of 2021  
9 was at the request of counsel; correct?

10 A. That's correct.

11 Q. So is it fair to say that this was not a  
12 re-review of your original findings?

13 A. Could you rephrase that, please?

14 Q. You weren't doing an additional review of  
15 your original findings; correct?

16 A. Correct.

17 Q. When you reviewed the two-year studies, you  
18 had indicated that you only reviewed the high-dose  
19 group and the controls; correct?

20 A. It depends on the study. If there were no  
21 test article-related findings in the high-dose,  
22 I didn't read the lower-dose groups. And I made that  
23 clear in my reports. That's called a read-down  
24 process.

1 Q. Okay. How were you able to determine whether  
2 there were any dose-dependent changes in that  
3 particular study if you didn't review all of the  
4 groups?

5 A. Because if you see nothing at the high dose,  
6 you're not concerned about a dose-related effect.

7 Q. Well, isn't there instances where you may not  
8 see an effect at the high-dose group for perhaps  
9 bioavailability or some other reason where you may see  
10 an effect in the intermediate dose groups?

11 MS. PRZYBYSZ: Objection. Lack of  
12 foundation. Calls for speculation.

13 THE WITNESS: It's possible but not  
14 probable.

15 BY MS. FINKEN:

16 Q. Is this the same level of review that you  
17 would conduct if you were undertaking a review of  
18 slides for a governmental agency when evaluating for  
19 carcinogenic effects?

20 MS. PRZYBYSZ: Object to the form.

21 THE WITNESS: Did you say a  
22 governmental facility?

23 BY MS. FINKEN:

24 Q. Yes.

1           A. It depends on the study protocol. If they  
2           only ask me to read control and high-dose and then a  
3           read-down to lower dose, that's what I do. If they  
4           ask me to read the entire study, I read the entire  
5           study.

6           Q. And is that what occurred here? You were  
7           asked to review the high-dose and control groups  
8           instead of the entire study?

9                       MS. PRZYBYSZ: Object to the form, and  
10           to the extent it calls for communications with  
11           counsel.

12                      THE WITNESS: Can you rephrase that,  
13           please?

14           BY MS. FINKEN:

15           Q. Okay. Is that what you were requested to do  
16           here by Dr. Hardisty, to review the high dose and the  
17           control groups and not review the entire study?

18                      MS. PRZYBYSZ: Object to the form.

19                      THE WITNESS: Again, Counsel, I'm  
20           having a difficult time understanding your question.

21           BY MS. FINKEN:

22           Q. Okay. Well, you had indicated that for a  
23           governmental agency, it would depend on the study  
24           protocol whether you reviewed the high-dose and the

1 control groups versus the entire study; right?

2 A. That's correct.

3 Q. Okay. And is that what you were asked to do  
4 here in this case: review the high-dose and the  
5 control groups as opposed to the entire study?

6 MS. PRZYBYSZ: Object to the form, to  
7 the extent it calls for any information discussed with  
8 counsel.

9 THE WITNESS: During the review of the  
10 slides, it became evident to me that, because of time  
11 restraints, it was not going to be possible for me to  
12 review all the slides; so I contacted our attorneys  
13 and contacted Takeda and presented what I thought was  
14 a perfectly acceptable way to read the study. And  
15 everyone agreed with that, that --

16 MS. PRZYBYSZ: I'm going to stop you  
17 from answering the rest of that.

18 THE WITNESS: Okay.

19 BY MS. FINKEN:

20 Q. Did you ever request from -- strike that.

21 Did you ever request to review additional  
22 study-related data when formulating your  
23 conclusions -- beyond the slides?

24 MS. PRZYBYSZ: Object to the form.

1 Asked and answered, like, 40 times.

2 THE WITNESS: Yeah. No, I never  
3 requested extra material.

4 MS. FINKEN: Okay. Doctor, just give  
5 me one more minute to go through my notes, and I may  
6 be done.

7 Let's just go off the record for one minute,  
8 and I may be wrapping it up.

9 THE VIDEOGRAPHER: The time is  
10 3:25 p.m. Off the record.

11 (Off the record from 3:25 p.m. to 3:44 p.m.)

12 THE VIDEOGRAPHER: The time is  
13 3:44 p.m. Back on the record.

14 BY MS. FINKEN:

15 Q. Okay. Doctor, looking at your report again  
16 that we had just pulled up, Appendix B of Study  
17 A-29-1977 -- it's the one we were looking at right  
18 before the break --

19 A. A-29-1977. Yes --

20 Q. The individual animal data?

21 A. Again, I don't have it, but if you pull it up  
22 on the screen, I'll be able to see it.

23 THE TECHNICIAN: Can you remind me of  
24 that page number, please?



1 MS. FINKEN: Sure. I believe it was  
2 on -- if you go to page 764, I can get you there from  
3 that. Hold on.

4 MS. PRZYBYSZ: I think it's 793.

5 MS. FINKEN: Let's try 793.

6 THE WITNESS: Is this the page you're  
7 looking at?

8 MS. FINKEN: No. Here's the page I'm  
9 looking at. This is fine.

10 BY MS. FINKEN:

11 Q. This particular page from Appendix B, it  
12 gives the individual data listing of histopathology.  
13 And I had asked you some questions about Rat 13485.  
14 And it indicates here the death date and time of  
15 December 30th, 1991, 9:04 p.m., approximate. Where  
16 would that information have come from?

17 A. That information, I believe, came from our  
18 attorneys.

19 Q. Okay. So that's data that would have been  
20 input into Pristima that was provided by the attorneys  
21 from Takeda?

22 MS. PRZYBYSZ: Lack of foundation.

23 Don't speculate, John.

24 THE WITNESS: I don't know. You'd have

1 to talk to our attorneys or Takeda where that  
2 information came from.

3 BY MS. FINKEN:

4 Q. That's not information that you input into  
5 Pristima; correct?

6 A. Our data technician inputted that data into  
7 our computer.

8 Q. Okay. And then --

9 MS. FINKEN: You can take that down.

10 BY MS. FINKEN:

11 Q. One of the other questions that I had --

12 MS. FINKEN: If you can pull up,  
13 Daniel -- I think Bess just sent it -- it's 126-049,  
14 "Unaudited Metadata."

15 THE TECHNICIAN: I apologize.

16 MS. FINKEN: Okay. And we'll mark this  
17 as Exhibit 8 [sic] to your deposition.

18 (Exhibit No. 9 was marked for identification.)

19 BY MS. FINKEN:

20 Q. Dr. Seely, this was provided to us by  
21 counsel, and it's titled "EPL-497-019," and it says  
22 "Unaudited Metadata." And there's a signature on the  
23 bottom. It's dated April 8, 2021. It says "Scans  
24 created and QC'ed by ES." Do you see that?

1 A. Yes.

2 Q. Have you seen these type of documents before?

3 MS. PRZYBYSZ: I'm going to stop you.

4 Tracy, who sent this to you and when?

5 MS. FINKEN: I'm sorry, Andrea,

6 I couldn't hear you.

7 MS. PRZYBYSZ: I apologize. Who sent  
8 that to you and when?

9 MS. FINKEN: I have no idea. I would  
10 have to ask my colleagues. I was just provided to it.  
11 Why?

12 MS. PRZYBYSZ: Okay. I have a running  
13 form objection, because I did not -- and foundation  
14 objection. I haven't seen this document, and I did  
15 not send it to you.

16 MS. FINKEN: Okay. It had to have been  
17 produced by you all at some point, maybe with the  
18 expert report. But I just have a couple of questions  
19 about it.

20 BY MS. FINKEN:

21 Q. Dr. Seely, have you ever seen this type of  
22 document before?

23 A. No, I haven't.

24 Q. Okay. So do you know who an ES would be that

1 MS. FINKEN: That means you're free to  
2 go. We can go off the record.

3 THE VIDEOGRAPHER: Okay. The time is  
4 3:54 p.m. Off the record.

5 (Whereupon, at 3:54 p.m., the deposition ceased.

6 Signature was reserved.)  
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1 ACKNOWLEDGMENT OF DEPONENT

2 I, JOHN C. SEELY, DVM, do hereby acknowledge  
3 that I have read and examined the foregoing testimony,  
4 and the same is a true, correct and complete  
5 transcription of the testimony given by me and any  
6 corrections appear on the attached errata sheet signed  
7 by me.

8

9 \_\_\_\_\_

10 (DATE)

(SIGNATURE)

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1 E R R A T A

2

3 WITNESS NAME: JOHN C. SEELY, DVM

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5 PAGE LINE CHANGE REASON

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STATE OF NORTH CAROLINA )  
 ) C E R T I F I C A T E  
COUNTY OF ORANGE )

3 I, Sophie Brock, Registered Diplomat  
4 Reporter, Certified Realtime Reporter, and Notary  
5 Public, the officer before whom the foregoing proceeding  
6 was conducted, do hereby certify that the witness,  
7 located in Durham County, North Carolina, whose  
8 testimony appears in the foregoing proceeding, was duly  
9 sworn by me via videolink, according to the emergency  
10 video notarization requirements contained in  
11 G.S. 10B-25; that the testimony of said witness was  
12 taken by me to the best of my ability and thereafter  
13 transcribed under my supervision; and that the foregoing  
14 pages, inclusive, constitute a true and accurate  
15 transcription of the testimony of the witness.

16 I do further certify that I am neither counsel  
17 for, related to, nor employed by any of the parties to  
18 this action, and further, that I am not a relative or  
19 employee of any attorney or counsel employed by the  
20 parties thereof, nor financially or otherwise interested  
21 in the outcome of said action.

22 This, the 13th day of September, 2021.

23 Sophie Brock

Sophie Brock, RDR, CRR

24 Notary Number: 200834000001